

REMARKS

INTERVIEW

The telephone interview courteously granted by Examiner Rowan on April 27, 2005 is acknowledged with appreciation. Per the interview, the term "fishing rod" is avoided to eliminate possible confusion since the term "fishing rod" has a special meaning. The term "arm for fishing" or "arm" is used to render the claims more clear, concise and unambiguous even though it is obvious that arm 714 is a rod and it is used for fishing.

ALLOWABLE SUBJECT MATTER

The recognition of allowable subject matter in claims 2, 3, 4, 6, 7, 8, and 9 is acknowledged with appreciation. Each of these claims has now been placed in independent form by incorporating claim 10 therein with the word "releasably" corrected to read "adjustably." Accordingly, claims 2, 3, 4, 6, 7, 8, and 9 are believed to be in condition for immediate allowance. Favorable consideration and allowance of these claims is therefore believed to be in order and is respectfully requested.

Claim 7 has been amended to clarify that the pin extends between the support member and the brackets such that the bracket is pivotally mounted by the pin whereby the bracket can be articulated about a vertical axis at the center of the pin (see, for example, Figure 39A). Favorable consideration is requested.

Claim 9 has now been amended to overcome the objection, to better describe the invention and to render it clear, concise and unambiguous by providing for a plurality of elongated members that are hingedly connected together for suspending the bracket, the arm, and

a reel thereon so as to extend the arm and the reel downwardly through the ice hole (see Figures 46 and 47 and page 52 line 6 describing the hinged connection).

The canceled claims are claims 1, 5, and 10-12.

CLAIMS 13 AND 14

On page two in the previous amendment dated November 1, 2004, claims 13 and 14 were added by amendment but were unintentionally not included in the listing of claims. The error is regretted. Both of these claims depend from allowed claims, namely claims 6 and 2, both of which were indicated to contain allowable subject matter. Accordingly, claims 13 and 14 are believed to be allowable for the same reason as claims 6 and 2, respectively, and for the further reason that they are more specific through the inclusion of additional subject matter. Favorable consideration and allowance of claims 13 and 14 is therefore believed to be in order and is respectfully requested.

CLAIMS 15 AND 16

Dependent claims 15 and 16 are new and are believed to be allowable for the same reason as claim 6 from which they depend and for the further reason that they are more specific through the inclusion of additional subject matter. Concerning claim 15, see radio transmitter 722, for example in Figures 39A, 40, 44, 46, and 47.

Concerning claim 16 see Figure 43 and the paragraph bridging pages 52 and 53. The allowance of claims 15 and 16 is therefore believed to be in order and is respectfully requested.

CLAIM 17

New claim 17 has been added to more clearly distinguish the present invention from the Williams reference, patent 5,335,440. Williams discloses a fishing rod holder system in which the rod holder 12 is held in one of two ways; from a pail 14 either by two bolts 64 and 66 which keep it in a fixed position or, as shown in Figures 5 and 6, by a bolt adjustment assembly 78 and a curved plate 84 with a curved slot 86 to hold the bracket member 12 by means of rotating a nut 82 against the plate 84 for varying the angle of orientation therebetween. Clearly, Williams instructs one to hold the bracket member 12 at an adjusted angle by its free end, *i.e.*, by the free swinging outer end by a bracket assembly 78 and the curved plate 84 with a curved slot 86 which is near the free end of the bracket member 12. Accordingly, Williams has no motivation to support the bracket member 12 in multiple selected positions by means of the bolt at the left in Figure 5 about which the brackets pivots in the manner now clearly set forth in claim 17 which provides in part:

- a releasable lock as a part of the pivot for releasably supporting the arm in any of a plurality of selected positions about an axis of said pivot.
- said lock defining a holder --- to hold the arm by means of the pivot in a vertical position or a selected angle of inclination (emphasis supplied).

Clearly, neither Williams nor any of the other references suggest a lock that defines a holder for adjustably supporting the arm by means of its pivot as claimed to determine the angle of inclination.

See *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481,485 (Fed. Cir. 1984) (emphasis added) holding:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim*.

See also *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991) holding:

Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference.... There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.

For these reasons, new claim 17 is believed to be allowable over Williams or any of the other references of record. Favorable consideration and allowance of claim 17 is therefore believed to be in order and is respectfully requested.

DRAWINGS

The Examiner objected to the drawings as failing to show the fishing rod or the upper open wide mouth or that such features canceled from the claims. The claims no longer refer to “fishing rod,” however the term “fishing rod” is used in the specification and Figures, for example 794, Figure 43, see page 53 line 3; part 623, Figure 34, page 41 line 14; part 660, Figure 37, page 44 line 6; and part 802, Figures 46 and 47, page 52 line 5.


The upper open wide mouth is shown at 606 in Figures 32 and 32A (see page 38 line 8) and part 75 of the pail Figure 33 (page 41 line 3). Consequently, the applicant believes no amendments to the drawings are necessary. Favorable consideration is believed to be in order and is respectfully requested.

SPECIFICATION

The patent number has now been corrected on page 1 to read 6,374,532. Page 53 is also corrected. A copy of the pages showing the corrections is attached together with an additional substitute pages in which the corrections have been entered. Favorable consideration is therefore believed to be in order and is respectfully requested.

Accordingly, all of the claims remaining in the application and including all of the new claims are believed to be in condition for allowance. Favorable consideration and a prompt notice of allowance is therefore believed to be in order and is respectfully requested.

Respectfully submitted,


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